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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/808,779

03/25/2004

Jae-Shik Kim

678-1193 (P11061)

5885

66547

7590

03/13/2007

THE FARRELL LAW FIRM

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

03/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/808,779

Applicant(s)

KIM, JAE-SHIK

Examiner

Andre' L. Jackson

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 3-10, 12, 16-20 and 24-30.
Claim(s) rejected: 1, 2, 11, 13-15 and 21-23.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.


**ROBERT J. SANDY
PRIMARY EXAMINER**

Continuation of 13. Other: Applicant's remarks presented on pages 1 and 2 of the amendment filed February 27, 2007 is found not to be persuasive. In particular, applicant's remarks state that prior art reference to Chen fails to anticipate every limitation in applicant's claims 1, 15 and 21 respectively. Here, applicant argues that Chen does not disclose or suggest an opening adapted to expose the fixing portion in a direction of the second rotation axis as recited in claim 1. Nor, an opening adapted to expose the fixing surface perpendicular to the first rotation axis as recited in claim 15, and nor does Chen disclose or suggest an opening adapted to expose the fixing groove in a direction of the second rotation axis as recited in claim 21. The Examiner respectfully disagrees and points out to applicant that Chen does disclose an opening defined by a gap or spacing on either side of a concave section near 341. Alternatively, as shown in figure 5, the opening is defined by a gap or spacing between inner edges of identically shaped clips with a central hole 377. Thus, this gap or spacing is considered equivalent to applicant's opening adapted to expose the fixing portion, the fixing surface and the fixing groove as recited in claims 1, 15 and 21. Furthermore, the phrase "adapted to expose" has been held not to be a positive limitation, but only requires the ability to so perform the intended function. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138. Therefore, the opening of Chen is only required to have the ability to expose the fixing portion/surface/groove as claimed. Accordingly, for the reasoning explained above, claims 1, 15 and 21 (and their respective dependent claims) remain unpatentable over Chen as set forth in the Final Office Action of December 1, 2006.